



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable E. S. Rowe
County Attorney, Lamb County
Littlefield, Texas

Dear Sir:

Opinion Request No. O-7036

Re: Does the Commissioners' Court of Lamb County have the authority to issue time warrants or bonds for the purpose of constructing a building to house the County Agent and the AAA offices?

We acknowledge receipt of your opinion request of recent date, and quote from your letter as follows:

"The Commissioners Court of Lamb County is contemplating the construction of an Agricultural Building, for the purpose of housing the County Agent and the Triple A. Offices, the proposed site for the building being a town considerable distance from the County Seat of said county, and as County Attorney I have been requested to ask for an opinion from your Department, as to the legality of the proposition; Therefore will you please render an opinion on the questions as follows:

1. Would the Commissioners Court of Lamb County have authority to let a contract for the construction of an Agricultural Building in which to house the County Agent and the A. A. A. Offices, said building to be constructed in a town not the County Seat of said County, and would said Court have the authority to issue Time Warrants, in the sum of \$20,000.00, in payment for the construction of such a building.
2. Would the Commissioners Court of Lamb County, have authority to order an election for the purpose of determining whether or not Bonds in the sum of \$20,000.00 should be issued for the construction of an Agricultural Building, in which to house the County Agent, and the Triple A. Offices; said building to be constructed in a town not the County Seat of said county."

Honorable E. S. Rowe, Page 2

The courts of this State have repeatedly held that a county cannot issue bonds unless such power is expressly conferred by law. Such is the established doctrine in this State, and has been from an early time. It was affirmed in the original appeal from San Patricio County vs. McClane, 44 Tex. 392, and reiterated in Robison vs. Breedlove, 61 Tex. 316; also in Lasater vs. Lopez, 217 S. W. 376.

It is also a well established rule of law in this State that a county subject to the expressed restrictions imposed by the Constitution and general laws has the implied power to issue time warrants in payment for improvements which it is expressly authorized to construct, provided the applicable regulations relating to the issuance of such warrants are observed. (Straton vs. Commissioners' Court of Kinney County, 137 S. W. 1170; Cowan et al vs. Dupree, et al, 139 S. W. 887; Commissioners' Court of Floyd County et al vs. Nichols et al, 142 S. W. 37; Lasater vs. Lopez, 217 S. W. 376; Adams vs. McGill, 146 S. W. (2d) 332.)

We have failed to find a statute in this State expressly authorizing a county to construct the type building mentioned in your request. Therefore, it is the opinion of this Department, based on the foregoing decisions of the courts of this State, that a county does not have the authority to issue time warrants or bonds for the purpose of constructing an agricultural building in which to house the county agent and A. A. A. offices.

Trusting that this answers your questions, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Claud O. Boothman
 Claud O. Boothman
 Assistant

COB:V

Carly Riley

